IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 10694 of 2004

Between:

M. Venkateshwarlu S/o. Kotaiah
R/o. Boya (V) Rapur (P) & (M) Nellore Dist.

..... PETITIONER

AND

1 The Engineer-in Chief (AW) Irrigation & CAD, Dept., Errummanzil, Hyd.
2 The Superintending Engineer, Telugu Ganga Projet, Srikalahasti, Chittoor Dist.
3 the Executive Engineer, Teluru Ganga Project Division, Rapaur Nellore Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of writ of Certiorari and after calling the records in O.A.No. 9095/2002, dt. 29.1.2004 on the file of Hon'ble Andhra Pradesh Administrative Tribunal, Hyd and declare that the Memo. No. SE/TGPC/SKHT/S1/Ec. 2/710M, Dt. 25.7.2002 issued by the 2nd respondent is illegal, arbitrary, without application of mind violative of Articles 14 and 16 of the Constitution of India and further declare that the applicant is entitled for alteration of his date of birth from 1-7-1944 to 1-7-1954 .

Counsel for the Petitioner:M/SB.KAVITA YADAV

Counsel for the Respondent Nos 1 to 3: GP FOR SERVICES II

The Court at the stage of admission made the Following:

THE HON'BLE SRI JUSTICE G.BIKSHAPATHY

AND

THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO.10694 OF 2004

ORDER: (per the Hon'ble Sri justice G.Bikshapathy)

This writ petition is filed challenging the order passed by the Tribunal in O.A.No.9095 of 2002 dated 29.01.2004.

2. The petitioner who was initially appointed as Night Watchman in the year 1977, subsequently was transferred to Telugu Ganga Project by order 01.07.1983. From 01.01.1992, on completion of 10 years of service, he was transferred to last grade servant. At the fag end of his service, he made a representation to the authorities to correct his date of birth from 01.07.1944 to 01.07.1954 on the ground that clerical error had crept in the records. The said representation was rejected by an order dated 25.07.2002, against which the above O.A. was filed by the employee.

3. The learned Tribunal, after holding that the grievance was made after 18 years, dismissed the application by an order, dated 29.01.2004. Aggrieved by the same, the present writ petition is filed.

4. The learned counsel for the petitioner submits that the petitioner cannot be found fault with as the original service record was lost and when a new service record was brought out, it was noticed that his date of birth has wrongly been entered into the said register.

5. We are afraid we cannot accept the contention raised by the learned counsel for the petitioner. The petitioner, having kept quiet for more than 18 years, cannot be expected to approach the authorities for change of his date of birth at the fag end of his service and such ground cannot be raised in view of the decision of the Supreme Court in **BURN STANDARD CO. LTD. V. DINABANDHU MAJUMDAR** .

6. We do not find any ground to interfere with the order passed by the Tribunal. Accordingly, the writ petition is dismissed. No costs.

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G. BIKSHAPATHY, J

06TH JULY, 2004.

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B.SESHASAYANA REDDY, J

YCR

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

Copy to:

1 The Engineer-in Chief (AW) Irrigation & CAD, Dept., Errummanzil, Hyd.
2 The Superintending Engineer, Telugu Ganga Projet, Srikalahasti, Chittoor Dist.
3 the Executive Engineer, Teluru Ganga Project Division, Rapaur Nellore Dist.

4. The Registrar, A.P.Administrative Tribunal, Hyderabad.

5. 2 C.Cs to the G.P. for Services II, High Court Bldgs, Hyderabad. (OUT)

5. Two 2 C.D. copies.